#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4523 OF 2006

Prahlad Shravan Singh .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.C.K.Talekar for applicant

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006

P.C.

. Applicant seeks bail in C.R.No.405 of 2006 registered with Dindoshi Police station alleging offences under section 394 read with 34

I.P.C. The applicant is under arrest from 15th November 2006 and presently is in judicial custody.

2. From a perusal of the statement, a copy of which is annexed, it appears that there is inherent contradiction in the version of the complainant about his being threatened, assaulted and the money taken away from his person.

3. The apprehension while denying bail appears to be that the applicant and the complainant reside in the same vicinity and the applicant, if released on bail, there is possibility of threatening the complainant and tampering with the prosecution evidence.

4. It is not disputed by both sides that the two co-accused in this case have been discharged under section 169 of Cr.P.C. That is clear from the order passed by the Metropolitan Magistrate as well. In such circumstances and with

stringent conditions being imposed, the applicant can be enlarged on bail. Hence, following order:-

i) The applicant arrested in connection with C.R.No.405 of 2006 registered with Dindoshi Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall reside at Kandivali after his release. The applicant will remain present before the Kandivali Police station once a week on every Friday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court. The applicant shall not enter limits of Malad police station.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the

trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)